

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PRECISION ASSOCIATES, INC., JAMES BARNES,
and ANYTHING GOES LLC d/b/a MAIL BOXES
ETC., on behalf of themselves and all others similarly
situated,

Plaintiffs,

ORDER

- v -

PANALPINA WORLD TRANSPORT (HOLDING)
LTD., et al.,

CV-08-42 (JG)(VVP)

Defendants.

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The plaintiffs have sought a premotion conference regarding a proposed motion to amend their Third Amended Complaint in order to make certain corrections, and to add parties. Judge Gleeson has referred the matter to me for decision. The defendant Hellmann Worldwide Logistics, Inc., an entity apparently affiliated with the defendants that the plaintiff wishes to add, has opposed the application.

A premotion conference is unnecessary. Leave to amend is to be freely granted under Rule 15, and since this case is still in the pleading stage no prejudice will be suffered if the court grants leave to amend. Although there is a plausible argument that any claims against the defendants the plaintiffs propose to add would be futile, that issue should be addressed in the context of a motion to dismiss once the newly added defendants are served.

Accordingly, leave to amend the complaint is hereby granted. The plaintiffs are required to serve the newly added parties in accordance with Rule 4. This Order does not

constitute a determination that the claims against the newly added defendants will relate back to the filing of earlier pleadings under Rule 15(c).

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
February 27, 2013